

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

DONTAY LAVARICE REESE,

Case No. 0:19-cv-00587-SRN-KMM

Plaintiff,

v.

SHERBURNE COUNTY DETENTION
CENTER, et al.,

**ORDER ON PLAINTIFF'S
LETTER REQUEST (ECF No. 29)**

Defendants.

This matter is before the Court on Dontay Lavarice Reese's letter requesting permission to file an amended complaint. Pl.'s Letter, ECF No. 29. On April 23, 2020, Mr. Reese filed an Amended Complaint consistent with the Court's Order instructing him that he was permitted to do so as a matter of course under Rule 15(a)(1). Order, ECF No. 22; Am. Compl., ECF No. 26. Mr. Reese now states that when he reviewed the pleading he noticed "a few minor errors" that, if corrected, would not "substantially alter the complaint." Pl.'s Letter at 1. If Mr. Reese wishes to further amend his pleading, he may do so by filing a motion to amend along with a proposed "Second Amended Complaint."

As the Court previously instructed Mr. Reese, he is reminded that his proposed Second Amended Complaint must be a standalone pleading that completely replaces the First Amended Complaint. The proposed Second Amended Complaint should not reference earlier versions of his complaint or incorporate portions of the earlier pleadings into it by reference. Mr. Reese must include all of the claims he wishes to bring in this case in the proposed Second Amended Complaint. To facilitate Mr. Reese's drafting of his proposed Second Amended Complaint, the Court will instruct the Clerk of Court to send Mr. Reese a copy of his First Amended Complaint. Whether Mr. Reese uses that document or prepares the proposed Second Amended Complaint by some other means, he should clearly identify the changes he proposes would be made to his pleading.

If Mr. Reese files a motion to amend along with a proposed Second Amended Complaint and the changes are, in fact, as minor as he suggests, and if the Defendants do not oppose his motion, the Defendants will not be required to file a new answer to the Second Amended

Complaint. The Court will deem the answer previously filed to be responsive to the Second Amended Complaint.

Accordingly, **IT IS HEREBY ORDERED THAT:**

1. If Mr. Reese wishes to amend his pleading, he must file a motion to amend along with a proposed Second Amended Complaint as discussed in this Order. The Clerk of Court is directed to mail Mr. Reese a copy of the First Amended Complaint along with a copy of this Order.
2. Within 7 days of Mr. Reese submitting such a motion to amend, the Defendants shall file a response to the motion. If the Defendants do not oppose the motion, they may state their non-opposition by electronically filing a letter. If there is no opposition to the amendment, the Defendants should also state in their letter whether they intend to file a new answer or would like the Court to deem their previously filed answer to be responsive to the Second Amended Complaint. If the Defendants oppose the motion, they should file a reasoned memorandum of law setting forth any basis for denying leave to amend.
3. In the event the Defendants oppose the motion, Mr. Reese will be permitted to file a reply memorandum addressing any arguments raised by the Defendants. Such a reply shall be filed within 21 days after Mr. Reese receives the Defendants' memorandum.

Date: May 5, 2020

s/Katherine Menendez

Katherine Menendez
United States Magistrate Judge